Clause 6.

MR. M. R. NARAYANA PILLAI: I move:

In Clause 6, omit the portion

"(iv) that an accused person ..... or to a Court of Session."

MR. K. G. KUNJUKRISHNA PILLAI: I think it is not necessary.

The amendment was, by leave, withdrawn.

MR. N. RAMAKRISHNA PILLAI: I move:

In Clause 6, in the substituted part (iii) line 1, between the word "appeal" and the words "be transferred" the words "or class of cases or appeals" shall be inserted.

MR. K. G. KUNJUKRISHNA PILLAI: It is highly necessary to enable the High Court to make the amendment.

The motion was put and carried.

The question that the Title and Preamble do form part of the Bill was put and carried.

The Title and Preamble were added to the Bill.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I move that the Bill be passed.

The motion was put and carried.

## THE TRAVANCORE MEDICAL PRACTITIONERS' BILL.

MR. K. G. KUNJUKRISHNA PILLAI: Sir, I rise to present the Report of the Select Committee on the Travancore Medical Practitioners' Bill. I move that the Bill be taken into consideration.

MR. A. LAKSHMINARAYANA AYYAR: I second it.

MR. M. R. NARAYANA PILLAI: I do not know how far it affects the Report of the Select Committee. I find that when the Bill was referred to the Select Committee one of the names which I find now among the signatures to the report was not included among the members of the Select Committee. That is the name of the Surgeon General. He has signed the report. This is irregular.

MR. K. G. KUNJUKRISHNA PILLAI: Dr. S. John had a right to be present there. His presence was necessary though his signing was not necessary.

MR. M. SIVATHANU PILLAI: Sir, I move that the Bill be recommitted to the Select Committee. In the first place, my motion is moved with a very serious object in view so as to bring to bear upon the Bill all possible considerations pertaining to the different systems of medicine. In the Select Committee I happened to be a member. The matter of not publishing a translation either in Malayalam or in Tamil of this Bill was brought to the notice of the Select Committee, because the Bill concerns also a major section of the practitioners of Sidha who do not know English or Malayalam but only Tamil. It may be asked as to how a motion for recommittal would arise? But the recommittal will come in this way, that the Select Committee failed to consider this important aspect and ignored its primary duty.



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**PRESIDENT:** I can understand the honourable member making a motion for circulation of the Bill. I cannot understand the honourable member saying that the consideration of this Bill may be adjourned as the translation has not been published. But the Select Committee was not handicapped by the lack of translation and the recommittal to the same Select Committee would not solve the problem.

**MR. M. SIVATHANU PILLAI:** I say this so as to invite the opinion of various qualified practitioners of different systems of medicine and that a translation should have appeared in the Gazette, as usual. I, a member of the Select Committee was handicapped, for not knowing the views of the practitioners of different systems.

**PRESIDENT:** If the honourable member will refer to Standing Order 41, page 33 of the Travancore Sri Chitra State Council Manual, it will be seen thus.

"98. (1) After the presentation of the final report of the Select Committee on a Bill, the member in charge may move—

(i) that the Bill as reported by the Committee be taken into consideration; but any member may object to its being so taken into consideration if a copy of the report has not been available for the use of members for seven days, or if three months have not elapsed from the date of the first publication of the Bill; and such objection shall prevail unless the President, in the exercise of his power to suspend this order, allows the report to be taken into consideration; or

(ii) that the Bill be recommitted either

(*a*) without limitation, or

(*b*) with respect to particular clauses or amendments only, or

(*c*) with instructions to the Committee to make some particular or additional provision in the Bill"

Therefore the question is not one of recommittal. I think the honourable member is thinking of something else.

**MR. M. SIVATHANU PILLAI:** My grievance is this. Even the draft bill was not published in Tamil or Malayalam and the Bill be recommitted under Section 98 (i) (ii) *c*, with instructions to the Committee to make provisions in the Bill relating to Sidha, Homeo and Dentistry and Unani after consulting leading practitioners.

**MR. M. R. NARAYANA PILLAI:** Is it the view of the honourable member?

**MR. M. SIVATHANU PILLAI:** The question is there was no translation of the draft bill either in Malayalam or in Tamil. There was no translation of the amended bill also and we some of the representatives here who represent them as well, are handicapped as we do not know the implications of the bill as understood by those practitioners who could not study the bill being in English. It is only in the interest of comprehensive and correct provisions to be made in the bill. we are inviting the opinions of some practitioners who could not study the bill being in English. The bill should be translated both in Malayalam and Tamil so as to enable these people to understand and give their opinion.

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Then the second point is, as you might find, there are 157 amendments before the House. As a matter of expediency, it is very difficult to canvass opinion for every amendment. So, what I would suggest is this. I have no objection even if the whole House goes into committee.

Thirdly, as I suggested even in my first speech when the bill was introduced, members have to invite the opinions of practitioners of different systems of medicine so that there might also be a chance to the members here to offer their opinions after hearing and knowing their views. As we find that members who represent Ayurveda and Allopathy are given seats in the House so that they may discuss the bill effectively and give their opinions. Similarly co-opted seats may be given to the members of the other systems also so that the House may profit by their views. Otherwise, it may be a case of ex-parte decision in the case of Sidha, Homeopathy, Unani and Dentistry. In fact, there is a feeling in the country that these others are ignored.

Mr. Kunjukrishnan has moved an amendment to Schedule E. But before I vote in one or other of the amendments I must know whether any particular treatment is given in a scientific manner or not. I do not know these things. He refers to a number of institutions about which I know nothing.

**PRESIDENT:** I still come back to the question of recommittal. How is this relevant?

**MR. M. SIVATHANU PILLAI:** Such of those persons as are qualified in other systems and as have no chance of coming here and representing their case may come in. They have not been co-opted here, and there was no representation for them either, in the Select Committee. So I say that this bill may be recommitted with the instruction that the opinions of such people may be invited and consulted as the present Select Committee has not done it and refused to do it. There is the Homeopath, the Dentist or the Unani Tibi or Sidha.

**PRESIDENT:** Are there Dentists apart from Allopathic Doctors?

**MR. M. SIVATHANU PILLAI:** There are Dentists pure and simple and they are also treated separately from Allopathic Doctors?

**PRESIDENT:** Yes, there are Dentists pure and simple as there are Allopathic Doctors pure and simple.

**MR. M. SIVATHANU PILLAI:** The bill has given a separate place to Dentists as distinct from allopathic practitioners. Even if a Dentist is not provided a seat in the Select Committee by being co-opted, the committee may be instructed to invite the opinions of Dentists. Similarly, the committee may also invite the opinion of Homeopaths and Unani Tibi and Sidha Vaidyans. Their opinions have not been taken into consideration.

**PRESIDENT:** Very good, I understand the honourable member's point of view. You want recommittal with the instruction that the committee should hear various interests.



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MR. M. SIVATHANU PILLAI: Yes, Sir; that is the main point.

There are 157 amendments tabled before tha House. Personally speaking, I have not been able to bestow sufficient attention on the various amendments. The scope for a formal discussion of the various amendments is very limited and it will be in the interests of the people concerned that the House should be given a chance to discuss informally clause by clause and arrive at a decision by the whole House in committee against which I find no reason. With regard to the recommittal, I may submit for the attention of Government that the representatives of the different systems of medicine may be called in the further stages of the bill so that it may be for the benefit of all concerned. I for one, do not know much of the Sidha System. I know some aspects of Sidha. Persons practising or the accredited representatives of this system of medicine may be co-opted in the further discussion of this bill. With these words, I move that the bill be recommitted with instructions to invite the opinions of practitioners of the different systems of medicine and then submit their report.

SADASYATILAKA T. K. VELU PILLAI: Sir, I second the motion. While associating myself with the remarks made by Mr. Sivathanu Pillai, I wish to submit some more important points for the consideration of this House. Sir, the bill is framed in a manner which does not show any vinculam between medicine and law. Medical men are giving their own points of view and lawyers are trying to lick them into shape. I commend them both. But there are some fundamental rocks in which such a procedure will break. Chapter II refers to the General Medical Council. If there is one fact more patent than any other it is that the Allopaths have cried down the Homeopathic system though I must say that some Allopaths have betaken to Homeopathy. I have got a book which gives the names of persons who after much experience in Allopathy have turned Homeopaths. When this is the fact, I ask the question whether the General Medical Council will recognise the Homeopathic degree?

PRESIDENT: I would ask the member wherein the question of recommittal comes in his argument.

SADASYATILAKA T. K. VELU PILLAI: As I said, there are some rocks on which the bill must split.

PRESIDENT: You may castigate the Select Committee as much as you like, but where does the recommittal come in?

MR. M. SIVATHANU PILLAI: My motion is that the bill be recommitted to the Select Committee with instructions to bestow more attention in respect of the clauses relating to the systems of Sidha, Unani Tibi, Homeopathy and Dentistry.

SADASYATILAKA T. K. VELU PILLAI: So that when you insist upon a condition which is impossible of fulfilment, it is impossible to comply with that. The second point which I wish to place before the House is that an applicant may be registered under as many systems of

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medicine as he is eligible for, for example, both under Allopathy and Homeopathy. A gentleman of very great experience, an eminent doctor who had seen the countries of Europe and India, told me, and I believe it too that one condition of enrolment as a medical practitioner by the British Medical Council is that he should not associate himself with any other systems of medicine, so that he cannot participate in them.

The third point is with reference to clause 30 (2), which says "no certificate required by law to be given by a medical practitioner shall be valid unless it is signed by a qualified registered practitioner approved by Our Government for the purpose". "Practitioner" is defined as any person ordinarily engaged in the practice of any system of medicine. Under clause 22 (1) (ii), "any person recognised by Our Government from among families of hereditary physicians of repute practising in Travancore" and according to sub-clause, (v), "every practitioner though not eligible for registration under clauses (i), (ii), (iii) and (iv) but has worked for one year as an apprentice under a practitioner or received training for one year in an institution if such apprenticeship or training is in the opinion of the Council sufficient to qualify him to practise as a practitioner". Under clause 30 (2) the certificates given by these people will be invalid for the reason that they are not "qualified registered practitioners".

**PRESIDENT**: These are arguments against the bill and not for a recommittal.

**SADASYATILAKA T. K. VELU PILLAI**: My point is that the whole conception is wrong. Of course, I may be right or wrong.

There is again a reference to a list of medicines. That is entirely a violation of the law of patents. So that the bill contains not only one or two mistakes but a number of mistakes. It therefore requires reconsideration and a larger ambit has to be given.

**MR. KOTTALIL P. ABRAHAM**: Let me inform the member that there are amendments to consider the points.

**MR. PULIYOOR T. P. VELAYUDHAN PILLAI**: Sir, I formally oppose the motion for recommittal. There is no ground in asking for a recommittal of the Bill. I would like to point out in this connection that, on a previous occasion, a Bill relating to the Allopathic system was introduced in this House. The trouble then was that it was not a comprehensive bill including all the systems of medicine. And it so happened that the Bill was thrown out.

Now, a comprehensive Bill was introduced on the floor of this House and it was referred to a responsible Select Committee. They had their deliberations over all the provisions—of this Bill and a report has been submitted to this House. Even granting for argument's sake that there are several defects in the provisions—of course, honourable members should be permitted to move the necessary amendments to cure those defects—such defects, if any, do not constitute a valid ground for recommitting the Bill again for the consideration of a Select Committee. On these grounds, I oppose the motion. So, I would oppose the motion for recommittal with all the force at my command.

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**MR. K. G. KUNJUKRISHNA PILLAI:** I rise to a point of order. In a motion for recommittal, at page 666 of May's Parliamentary Practice it is stated that the 'debate should be restricted to a brief explanatory statement of the Member moving and from another Member who opposes the motion.' So that, a general discussion on the matter is not called for here.

**PRESIDENT:** It is clear that a motion for recommittal, as such, on the grounds that have been put forward, is not in order. I can understand, as I said at the beginning, honourable members moving a motion saying that all the aspects of the matter have not been considered and asking the Bill to be recirculated or circulated; that will be a well-known procedure. I can also understand the honourable members saying "let the consideration of the Bill be adjourned in order to enable the Government, if they are so minded, to co-opt somebody or to consult somebody." But what I cannot understand is the motion for a recommittal of the Bill to a Select Committee. And neither Mr. Sivathanu Pillai nor Mr. Velu Pillai has made clear that point to me so far. Let me analyse. Here is a committee, appointed for the purpose, rightly or wrongly, which has considered the Bill that was placed before it. Presumably it considered the various aspects of the Bill. They have put forward the Bill in a certain form. To say that that committee did not do its work properly, because the Government have not nominated some persons belonging to the Siddha or the Homeopathic system of medicine, cannot be correct. Supposing a recommittal takes place, and the Committee comes to the same conclusion as before, what would be the honourable member's suggestion?

**MR. M. SIVATHANU PILLAI:** It should be recommitted with instructions to the committee to invite the opinion of persons belonging to all sections.

**MR. K. G. KUNJUKRISHNA PILLAI:** I oppose the motion on more grounds than one. I have been carefully following the speeches of both the honourable members and I find that I can analyse their speeches under three heads. One is that there has not been a publication in the vernacular, particularly, in Tamil. Another is that honourable members were not able to study certain clauses with reference to certain authorities. The third point is that sufficient time has not been given for the committee. Not one of these objections comes under the standing order or in the rules of parliamentary practice, as a condition which can be availed of for a motion for recommittal. Supposing there is a committee; it is presumed that each member studied the Bill, clause by clause, and if he did not understand any particular clause he referred it to somebody who had knowledge about it and thus came prepared to discharge his duties as member of this House. Can the honourable member raise the same objection now?

**MR. M. SIVATHANU PILLAI:** Did I not move before the Committee that these members should be there?

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**MR. K. G. KUNJUKRISHNA PILLAI:** The Committee has over-ridden those suggestions. The other members unanimously said it was unnecessary. If the rules of procedure before the committees are taken into consideration, it may be Stated that simply because one honourable member wanted somebody to be invited, it cannot be a reason for a recommittal. My submission is that as all these objections are particular objections to particular clauses each amendment to that clause may be considered. And the members are at perfect liberty to take any advice they want in the matter from anybody outside or inside the House. I submit that in May's Parliamentary Practice, at pages 418 and 419, the occasions on which a recommittal is admissible under the rules are laid down. And under the Indian Legislative proceedings also the same is the procedure.

One word more with regard to the co-option of more members representing other systems of medicine. I would bring to the attention of the honourable member, Section 6, Clause 2 2nd proviso at page 66 of the assembly manual which says 'provided also that our Government may, for the purpose of any Bill, introduce or purpose to be introduced, into the Assembly a motion for nomination of not more than two members who have special knowledge or experience.' The President has already co-opted two members to represent two branches. There is no provision to co-opt any more members to represent any other branch.

**PRESIDENT:** That is true,

**MR. M. SIVATHANU PILLAI:** That is why I suggested that the opinion of others may be recorded.

**PRESIDENT:** I have considered this matter of the recommittal and do not consider that the motion is in order.

**MR. C. JEBAMONY NADAR:** I move for re-circulation of the Bill. My ground is that the Bill, as revised by the Select Committee, should have been published in the gazette. The Select Committee has opined that, as no substantial alteration has been made, the Bill, as revised, need not be re-published. Let me point out why this view is untenable. As to the number of persons who form the Medical Council, an alteration has been made. Similarly as to the number of representatives from the different systems of medicine the Select Committee has made material changes. And, thirdly alteration has been made as to the number of years during which a person should have practised in order to recognise him as a competent physician. In other words, the qualification of the practitioners who will be registered under the Act as revised by the Select Committee is not what is contained in the original Bill. These, I should submit, are material alterations though the Committee says otherwise. Whenever material alterations are effected re-publication is imperative. A re-publication is essential so that not only the members of this House but also the public may have notice of the changes proposed. What does the preamble say? It says 'Whereas.....with a view to encourage the study and spread of such,

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[Mr. C. Jebamony Nadar]

systems.....". Therefore the object of the Bill is to encourage the study and the spread of the indigenous systems. That being so it is nothing but reasonable that those who have studied Ayurveda and Siddha systems should be given an opportunity to understand what this new legislation is. This purpose could be best served by the due publication of authorised translations of the Bill in Malayalam and Tamil. That has not been done so far and therefore it is reasonable and legitimate to demand that people who do not know English but know only the languages in which these Sastras are written, should be given an opportunity to study how far the Bill affects them. If any of us do really desire for the encouragement of the study and spread of these systems we could get pertinent and useful suggestions only from those professional people. Dr. Tirumurti said that he is receving resolutions from people interested in the Siddh system. That indicates that this is a matter in which the public do take interest. I find that such interest is not confined to the Tamils of the State but extends also to the adjacent Presidency. If we could wait till the Bill is published in Tamil, I am sure that the learned in this ancient art would come forward with learned suggestions and constructive hints which would help us in our discussions of this important Bill. It is also more or less clear that in no Indian province and not even in the Central legislature an Act such as this has been passed so as to compound all the systems of medicine both eastern and western. It is said in the objects and reasons that the draft bill was modelled on the Bombay Act but I find that Bombay Act applies only to the Indian systems of medicine. These are my grounds for re-circulation.

Mr. M. Sivathanu pillai seconded the motion of Mr. Jebamony Nadar.

MR. N. NARAYANA KURUP: I support Mr. Jebamony Nadar, in his proposal that the consideration of the Bill may be adjourned on the reasons which he put forward and for the reason which I shall presently give. During the time of the meeting of the Select Committee, I suggested that some experts in the particular system of medicine may also be co-opted or their opinion invited or they may be invited so that their opinions may be obtained, as the members of the Committee had no special or particular knowledge in each system of medicine for which the Bill is intended. At that time the honourable Legal Remembrancer was telling us that there was no possibility of co-opting more members, because they had already two members co-opted from two systems. Further he was of the opinion that the members ought to have cleared their doubts before they came to the meeting from experts outside. I protested, but his opinion prevailed at that time. Any way, Sir, from the number of amendments before this House, it is plain that honourable members consider that a proper reconsideration of the Bill is necessary. I, therefore, support the motion of Mr. Jebamony Nadar and recommend that the consideration of the Bill may be adjourned.

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**RAO BAHADUR DR. T. S. TIRUMURTI:** When I came to this House, after reading the various amendments, which were proposed to the Travancore Medical Practitioners' Bill, I was under the impression that practically every honourable member of this House welcomed the Medical Bill but only wanted certain changes made in some of the clauses. My hopes have been rudely shaken. I am taking first the instance of Mr. Sivathanu Pillai, who at the very outset, wanted to recommit the Bill to a Select Committee. The other friend, Mr. Jebamony Nadar, wanted to adjourn the House for the consideration of the Bill. I wish within the few minutes allotted to me to deal with the various points raised by the honourable members so far.

The first is the question of recommitting it to the Select Committee. Mr. Sivathanu Pillai himself was a member of the Select Committee.

**PRESIDENT:** But that question does not arise.

**RAO BAHADUR DR. T. S. TIRUMURTI:** Secondly, that co-opting different members to represent each system of medicine is against the law.

**PRESIDENT:** That also does not arise.

**RAO BAHADUR DR. T. S. TIRUMURTI:** Again, with regard to co-opting members representing all the systems of medicine, I may assure the honourable member and other members of this House that they will never come to an agreement and it is very unlikely that any such agreed policy can be looked forward to by the Government, if the Government is interested, and if honourable members of this House are interested, for the benefit of the public whom they represent, that a Bill of this nature should be introduced.

Thirdly, in regard to his objection that translations of the Bill have not been published in Tamil,.....

**MR. M. SIVATHANU PILLAI:** In Malayalam as well.

**RAO BAHADUR DR. T. S. TIRUMURTI:** I may assure the honourable member that I have received communications not only from the various associations of Siddha vaidyans but from associations of non-vaidyans also.. ...

**MR. K. G. KUNJUKRISHNA PILLAI:** I understand that a Malayalam translation has appeared.

**MR. M. SIVATHANU PILLAI:** Three days back.

**RAO BAHADUR DR. T. S. TIRUMURTI:** I have received representations passed by various bodies.....

**MR. C. JEBAMONY NADAR:** Does it not show the interest taken by the people? Is it not reasonable to ask that the public should be given a chance to know what this Bill is?

**RAO BAHADUR DR. T. S. TIRUMURTI:** I have to say only this. They have been in the know of things. They know about this Bill fully well. I have received various communications from associations like the Homeopathic Associations, which have come suddenly into existence and also from various other associations, which did not exist before. Therefore, to say that the Bill has not been properly considered by the practitioners of the various systems cannot hold water. Though the amendment

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[Rao Bahadur Dr. T. S. Tirumurti]

sheet shows that there are nearly 150 amendments tabled, a careful scrutiny of them will show that there are really only a few amendments and that a number of members have proposed the same amendments over and over again. These amendments can be considered by the House one by one, if the honourable members do not want to delay this very beneficial reform any longer. Already this subject has been delayed for a long time. I do not know of any Homeopathic associations or institutions which are recognised by the Travancore Government. If there are any, the question of their representation will be taken up later on.

**PRESIDENT**: The House will now adjourn and meet again tomorrow at 12 noon.

The House adjourned at 6 P. M.

B. PARAMU,
*Secretary to the Sri Mulam Assembly.*

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